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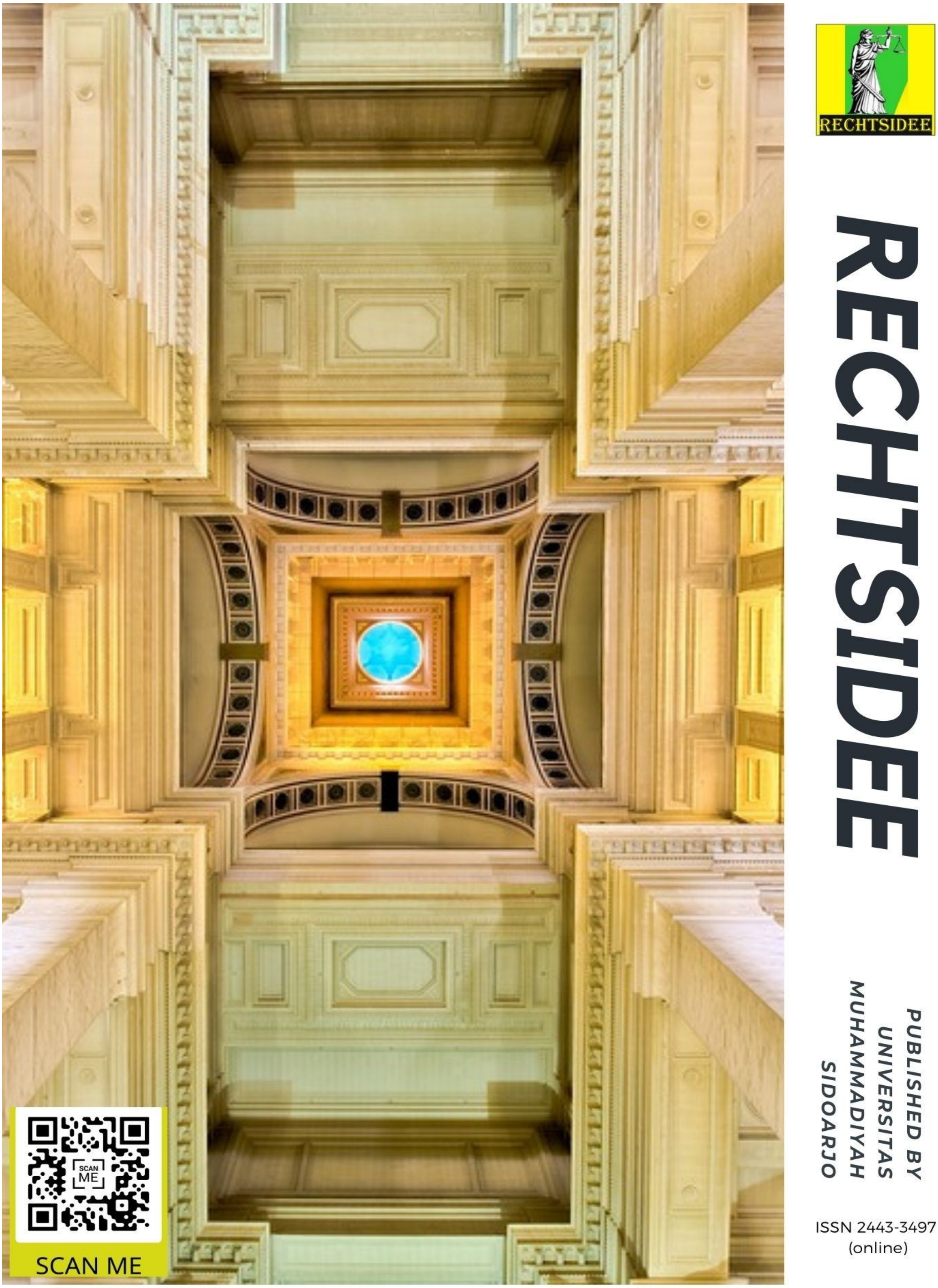

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Reconceptualizing the Elements of Well-Known Trademarks in Trademark Registration in Indonesia, Italy, and the United States: Merekonseptualisasi Kembali Unsur-Unsur Merek Terkenal dalam Pendaftaran Merek di Indonesia, Italia, dan Amerika Serikat

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Abstract

General Background: Well-known trademarks require legal protection to preserve exclusive rights, reputation, and fair market competition. **Specific Background:** This study compares protection models in Indonesia, Italy, and the United States. **Knowledge Gap:** Indonesian trademark regulation still lacks explicit and comprehensive provisions on dilution, judicial precedent, blurring, tarnishment, unfair advantage, and likelihood of confusion. **Aims:** This study analyzes the protection of well-known trademarks through comparative legal analysis using normative juridical and case approaches. **Results:** Italy and the United States provide broader safeguards through dilution-related doctrines that protect reputation, distinctiveness, and commercial identity, while Indonesia has progressed under Law No. 20 of 2016 but still requires clearer standards and stronger examination guidelines. **Novelty:** The study proposes reconceptualizing Indonesian well-known trademark protection by adopting explicit dilution provisions and structured assessment criteria. **Implications:** Future amendments should strengthen legal certainty, prevent bad faith registration, support fair competition, and maintain consumer trust.

Highlights:

- Italy and the United States provide broader safeguards.
- Judicial precedent needs clearer regulatory recognition.
- Bad faith registration remains a key concern.

Keywords: Well-Known Trademark, Famous Mark, Trademark Law

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Introduction

A trademark is an identity for goods or services, whether in the form of an image, logo, name, sound, etc., used to distinguish them in the marketplace [1]. Over time, brands have emerged that have been known to the general public for a long time and have established their own reputation or market presence. This led to the emergence of the term "well-known trademark," supported by the Paris Convention and the TRIPS Agreement, to ensure that such well-known brands can protect their exclusive rights and economic interests [2]. The provisions regarding well-known trademarks in Law No. 20 of 2016 on Trademarks and Geographical Indications override the "first to file" rule for trademark registration in Indonesia (provided certain conditions are met) to prevent other trademarks from capitalizing on the fame of such well-known trademarks [3]. Indonesia, having ratified the TRIPS Agreement, must of course comply with and implement that agreement through our national laws.

In practice, there are still cases in commercial courts involving lawsuits filed by owners of well-known trademarks against other brands that share similar names, logos, etc. An example can be seen in the case of IKEA Sweden versus IKEA (Intan Khatulistiwa Esa Abadi). In this case, IKEA PT Ratania prevailed against IKEA Sweden's lawsuit because they had registered their trademark first, and IKEA Sweden's trademark had already expired; furthermore, at that time, IKEA Sweden did not yet have any stores in Indonesia [4]. Similarly, in the case of Lexus vs. Prolexus, Lexus's lawsuit was dismissed because the claim was filed past the statute of limitations, and Prolexus operated in the footwear/sandals category rather than the automotive sector [5]. This demonstrates that even possessing a well-known trademark does not guarantee a victory in trademark litigation.

According to data from the Directorate General of Intellectual Property, complaints regarding trademark infringement account for the highest number among all types of intellectual property. In 2011, there were 26 complaints; in 2015, there were 27 complaints; and in 2019, there were 34 complaints [6]. Cases of trademark infringement in Indonesia do not occur just once or twice, but repeatedly. As stated in Decision No. 650 K/Pdt.Sus-HKI/2021, Nintendo Co., Ltd. of Japan, owner of the Super Mario Bros. trademark, sued PT Cardolestari Indonesia over its use of the Super Mario Bros. trademark. Nintendo Co., Ltd., as the owner of the well-known Super Mario Bros. trademark, won this case because there were many similarities, and it was also acknowledged that the trademark was indeed well-known based on the evidence submitted. Judgment No. 44/Pdt.Sus-Merek/2021/PN.Niaga.Jkt.Pst ruled in favor of New Era Cap, Co., Inc., the owner of the well-known "New Era" hat trademark, against Welly Karlan, Herman Kwandy, and Lanny Kwandy, who owned the trademarks "New Era 59Fifty," "NE New Era," "NewEra," and "NE New Era 59Fifty." The New Era trademark owned by New Era Cap, Co., Inc. has been used and registered worldwide for a long time, dating back to the 1920s in the United States.

By way of comparison, we can look at developed countries that have more comprehensive intellectual property protection than Indonesia, such as the United States and Italy. For example, a previous literature review—the thesis titled "Protection of Well-Known Trademarks: A Comparative Analysis of the United States and the European Union" by Onerva A. Harma—discusses the differences in the protection of well-known trademarks in these two regions. Italy itself also follows a civil law system like Indonesia, and this is also reflected in their Legislative Decree No. 15/2019, which implements EU Regulation 2017/1001. There are several similarities between Indonesian and Italian regulations, such as the "first-to-file" system, which can be advantageous or disadvantageous for trademark owners. The United States also has specific regulations governing trademark matters, namely the Lanham Act. The U.S. is more flexible in its requirements for filing trademark cancellation claims involving well-known trademarks compared to other countries. Both countries have Dilution Acts that protect well-known trademarks from misuse, harm to the well-known trademark owner, and consumer confusion.

Article 16(2) of the TRIPS Agreement provides that the principles set forth in Article 6bis of the Paris Convention for the Protection of Industrial Property (1967) apply mutatis mutandis in determining whether a trademark is considered well-known, and must take into account the extent to which the trademark is known by the relevant public, including popularity gained through promotion in the relevant member state [7]. The inclusion of protection for well-known trademarks in the TRIPS Agreement underscores the importance of safeguarding well-known trademarks to preserve trademark rights and prevent unfair competition. This topic is crucial to examine to assess the effectiveness of implementing well-known trademark protections in Indonesia from the ratification of the TRIPS Agreement to its current implementation under Law No. 20 of 2016 on Trademarks and Geographical Indications. The Welfare State theory emphasizes the importance of the government's role in ensuring the economic and social well-being of society [8]. By protecting well-known trademarks, Indonesia can create a healthier economic ecosystem and support social well-being through increased consumer confidence as well as incentives for innovation and fair competition. Which also relate to the principle of fair competition that prohibit the practice of free riding or using well-known trademark without getting their permit.

As of 2025, Indonesia remains on the U.S. Trade Representative's Priority Watch List due to its persistently high rate of intellectual property infringement, alongside other countries such as China, India, Mexico, and others. [9]. In 2019, there were 792 trademark appeal commission decisions, with 269 granted, 24 granted in part, and 499 rejected [10]. The Ministry of Law and Human Rights notes that the Directorate General of Intellectual Property (DGIP) received the highest number of complaints in the trademark category. These high figures indicate that many trademark applicants

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or owners still do not fully understand the basic requirements for trademark registration as stipulated in the Trademark Law. This is particularly true when a trademark bears similarities or is identical to an existing trademark, especially a well-known one. This situation undoubtedly threatens the competitive business ecosystem in Indonesia as well as on the international stage. In this context, a comparison between Indonesia and the United States and Italy—as examples of countries with more established trademark protection systems—is necessary. This comparison serves as a basis for evaluating whether Indonesia's regulations are adequate or could be further improved.

Method

This study employs a normative legal methodology focused on the analysis of legislation, court decisions, international agreements, and various legal literature related to the protection of well-known trademarks [11]. Through a literature review, the author examines and interprets descriptive data obtained from various legal sources to understand the regulation of well-known trademarks within the legal systems under study. The approaches used are comparative approach that consist of statutory approach, and case approach. The comparative approach is used by comparing all of the statutory regarding well-known trademark in each country and comparing cases related to well-known trademark from countries mentioned. The statutory approach involves examining the regulation of well-known trademarks in the positive law of Indonesia, the United States, and Italy through each country's trademark regulations. Meanwhile, the case approach involves analyzing court decisions and case studies related to well-known trademark disputes to observe the development of legal application over the past few years in those countries.

The research data sources are divided into primary and secondary legal materials. Primary legal materials include various international and national legal instruments, such as the Paris Convention for the Protection of Intelectual Property, the TRIPS Agreement, the Lanham Act, the EU Trademark Regulation No. 2017/1001, the Italian Legislative Decree No. 15/2019, and Indonesian laws and regulations regarding trademarks such as Law No. 20 of 2016 on Trademark and Geographical Indication or Regulation of The Minister of Law and Human Rights No. 67 of 2016 on Trademark Registration. For comparative purposes, there are few court ruling cases that were used in this research for instance, Decision No. 24/Merek/2012/PN.Niaga.Jkt.Pst, Case C-487/07 (2009), and Case No. 01-1015 (2003). Secondary legal materials consist of books, journals, theses, dissertations, legal dictionaries, articles, newspapers, and other publications discussing the protection of well-known trademarks in Indonesia, the United States, and Italy. Data collection was conducted through a literature review utilizing relevant and credible sources, including regulations, scientific journals, theses, articles, and official online media. This study did not employ empirical testing; therefore, all data were systematically analyzed based on the available literature and legal documents [12].

The data analysis technique used is descriptive-analytical with a qualitative approach. The analysis was conducted to provide a detailed and systematic overview of legal protection for well-known trademarks in Indonesia, the United States, and Italy. This approach aims to understand the background of trademark regulation formation, assess the effectiveness of existing legal protection, and examine the potential need for regulatory development in Indonesia through comparison with the legal systems in the United States and Italy.

Result and Discussion

A. Well-Known Trademark Protection in Indonesia

Indonesia is currently using Law No. 20 of 2016 on Trademark and Geographical Indication (Trademark Law No. 20/2016) and it has been having multiple amendments through the years. Some of it is regarding well-known trademark clauses [13]. Back in the Trademark Law No. 14 of 1997, it's not really stated that they could give protection on well-known trademark that has different class registered in Directorate General of Intellectual Property but now on Article 21(1)(c) of Trademark Law No. 20/2016 it's stated that they would give protection as in cancelling the trademark registration even to trademarks that are not in the same class. According to Article 18(3) of Regulation of The Minister of Law and Human Rights No. 67 of 2016 on Trademark Registration (Regulation No. 67/2016), there are some criteria where a mark could be considered as well-known trademark such as:
1. Public knowledge or acknowledgement of the trademark in related field
2. The sales revenue volume of the goods or services that the trademark owner gain
3. The market share controlled by the trademark in relation to the goods or services in society
4. The geographical scope of the trademark's use
5. The duration of the trademark's use
6. The intensity and promotion of the trademark, including investment value used to promote it
7. Whether it's registered or an applicant for trademark registration in other countries
8. The successful rate of law enforcement especially in well-known trademark recognition through competent authorities
9. The value the trademark held from reputation and quality assurance of the goods or service protected by the trademark

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The protection that Indonesia's regulation offers starts from preventive moves such as rejecting trademark registration that has similarities to the well-known trademark even given to those whose not yet registered in Indonesia but could prove they fulfill the criteria of well-known trademark. However, in practice, The DGIP has granted many trademark registration that has similarity through names, logo, or even symbols with the well-known trademarks. As in the Christian Dior Couture v. Kimsan Purwo and Kiman Purwo case whereas the defendant had registered the trademark Baby Dior even though the trademark already existed in many other countries while also bearing the renowned "Dior" name. That leaves a big question mark to DGIP because at the end, these well-known trademark owners need to file a lawsuit to protect their marks. Even with trademarks that are not well-known they could have several trademarks with the same name, which means that the substantive examination needs a re-evaluation. Which leads to another form of protection, the repressive one. They could file for a cancellation of the application or registry and to file for compensation and injunction due to the trademark infringement.

Through those laws we could see that Indonesia had tried to give protection to those well-known trademarks owner for their exclusive rights. In result, There was a trademark dispute under Decision No. 34/Pdt.Sus-HKI/Merek/2025/PN Niaga Jkt Pst between the famous trademark PUMA and "Cap Puma," both of which used a jumping cat logo. In its lawsuit, Puma SE argued that PUMA is a globally recognized trademark established in Germany in 1948, supported by evidence such as sponsorships of major football clubs, athletes, and Formula 1 teams, as well as collaborations with celebrities including Rihanna and Dua Lipa. Puma SE had registered its trademark in Indonesia since 2012 and internationally through the World Intellectual Property Organization since 1970. The company had also successfully pursued legal actions against similar trademarks in several countries, including Indonesia, where it previously won a cancellation lawsuit under Decision No. 6 PK/Pdt.Sus-HKI/2022 involving bad-faith registration despite differences in trademark classes [14]. Consequently, the court once again ruled in favor of Puma SE as the owner of a well-known trademark.

Under Trademark Law No. 20/2016, trademark dispute resolution in Indonesia has shown significant progress, as most cases involving well-known trademarks are decided in favor of the famous trademark owners. Many disputes are resolved at the first-instance level without proceeding to cassation or judicial review, particularly where other parties attempt to exploit the reputation of famous marks by using similar elements. Another example is Decision No. 91/Pdt.Sus-HKI/Merek/2025/PN Niaga Jkt Pst, in which TBL Licensing LLC, owner of the famous trademark Timberland, sued the owner of "Timber Troops LXV" for using a similar element in the same trademark class. TBL Licensing LLC also demonstrated its success in previous disputes against trademarks such as Timberjeans, Timberlake, and Timberlast in Indonesia. These developments indicate that the 2016 Trademark Law has strengthened legal protection for well-known trademark owners and contributed to fairer business competition.

This is actually a major upgrade from the previous Trademark Law because many times before, well-known trademark owners are usually the injured party here since Indonesia used to put the first-to-file system upfront and they tend to overlook those in the different class of goods or services. Most of the time, well-known trademark owners have to coexist with those marks that has similarity to them and let them profit from the bad faith. With this current regulation existing, it's expected to bring Indonesia out of the Priority Watch List and also motivate the local business owner to be more careful for their trademark to suppress any risk in the future especially when they intend to expand abroad.

B. Well-Known Trademark Protection in Italy

Being home to many well-known trademark, Italy has established a strong commitment to protecting famous trademarks from infringement, dilution, and bad faith registration. The country recognizes the economic and commercial value attached to well-known trademarks, particularly because many Italian brands have gained international recognition in industries such as fashion, luxury goods, automotive, and food products. As a member of the European Union and a participant in major international intellectual property agreements, Italy has adopted legal standards that provide broader protection for famous trademarks beyond ordinary trademark protection. This approach aims to preserve fair competition, prevent unauthorized parties from exploiting the reputation of famous marks, and ensure legal certainty for trademark owners in both domestic and international markets [15].

Italy being one of the members in the European Union (EU) is subject to the European Union Trade Mark Regulation (EUTMR) which is the EUTMR No. 2017/1001. It automatically gives registered marks protection in the whole entire EU. Some of the clauses that give protection to well-known trademarks are stated in Article 8 of EUTMR No. 2017/1001 that would refuse the registration of a trademark that is identical, similar or giving likelihood of confusion to the senior mark and they also emphasize the "well-known trademark" phrase too as in the Article 6*bis* of Paris Convention. As a result, Italy adopted the Directive No. 2015/2436 which likewise has relative grounds for refusal or invalidity for well-known trademarks as seen in Article 5(2)(d) of Directive No. 2015/2436. Later on, Italy itself created *Codice della Proprietà Industriale* (CPI) as their Intellectual Properties Regulation. The main one is the Legislative Decree No. 30/2005 and later they amends it to the latest one which is the Legislative Decree No. 15/2019. All of those regulations compliment each other whether it applies in the EU or as a national regulation in Italy.

Italy does not really implement the dilution concept like the United States that has their own dilution act but they apply the substance for well-known trademarks or *marchi rinomati* especially for Detriment to Distinctiveness, Detriment to

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Reputation and Unfair Advantage or Free-riding. Detriment to Distinctiveness means that the trademark becomes blurred because it is used for another goods or services, so they could associate the well-known trademark to the other marks. For example, there is a restaurant that goes by the name of Lamborghini Ristorante while the well-known trademark known as Lamborghini is a sports car brand, these could cause confusion in the public eye. Detriment to Reputation refers to when a well-known trademark is linked to something negative, vulgar or inappropriate that could threaten the trademark's prestigious and exclusive reputation. A simple example is when the well-known kids tv channel, Disney suddenly being used by others as Disney Adult Club to offer low quality goods or services that are opposite from the Disney's kid friendly image. Lastly, Free-riding happens when others try to ride the fame of a well-known trademark to gain profit. We could take the L'oreal SA v. Bellure NV case as an example. It started with Bellure that sells a perfume dupe that smells the same as L'oreal's one and compares them to L'oreal. The court granted this case as free-riding because Bellure gets the benefit of profiting out of L'oreal's name, reputation and prestige to attract consumers [16]. Though this might sparks a critics because it limits the creativity in the industry because it actually could be seen as a "cultural appreciation" and they offer a different consumer segmentation which should not bother the well-known mark sales.

To claim dilution the well-known mark should prove the association between them and the junior mark. The court had listed criteria to determine their association:

1. Similarity between trademarks
2. Similarity between goods and services
3. The well-known trademark reputation in public
4. The distinctiveness
5. The likelihood of confusion
6. Changes in economic behavior

Italy broadened the protection of well-known trademarks by giving lower standards for reputation and by also including the free-riding clause. Even though the requirements are a bit challenging to proof, the filings have remained steady and increasing. Italy has also managed to recognize a niche fame that allows segments of the population to enjoy the reputation of a mark. This shows that Italy has a strict examination to claim the dilution but could be counter-attacked by the free-riding element.

Overall, Italy's approach toward well-known trademark protection reflects a balanced effort between safeguarding the exclusive reputation of famous trademarks and maintaining fair market competition. By adopting both European Union standards and national regulations, Italy provides broader protection against trademark infringement, dilution, and unfair advantage, even in cases where there is no direct likelihood of confusion. The recognition of concepts such as detriment to distinctiveness, detriment to reputation, and free-riding demonstrates that Italy prioritizes the commercial value and prestige attached to famous trademarks [17]. Nevertheless, the strict standards required to prove dilution and reputation indicate that Italian trademark law still attempts to prevent excessive monopoly over common expressions or creative market practices. Therefore, Italy's legal framework can be seen as a comprehensive model for protecting well-known trademarks while still considering proportionality and competition within the marketplace.

C. Well-Known Trademark Protection in United States

As one of the developed countries, many countries look up to the United States in terms of their technology, education, and most importantly their economic growth. Regardless of their field of business, most of the big companies come from the United States. This is an evidence that the system that regulates it runs well and of course that includes regulating the trademark. The United States might be implementing common law but they also have an act that regulates trademarks that is called, Lanham Act. In the act, a well-known trademark is called a famous mark, meaning that it is widely recognized by the general public of the United States (US). According to Lanham Act §43 (c)(2)(a) there are criterias when a trademark could be called a famous mark:

1. The duration, scope and reach of the trademark usage
2. The duration, scope and reach of the advertisement and promotion
3. The level of acknowledgment by the general consuming public
4. Whether it's registered on the United State Patent and Trademark Office or not

In reality, the US really set the standard high for the famous mark classification [18]. So the trademark should be well-known in all states and not only in a certain state. Which means that if you want to get exclusive rights of famous mark in the US, you have to prepare to store all the requirements needed in advance.

In the US, owners of well-known trademarks are granted extensive legal protection under the Lanham Act and the Trademark Dilution Revision Act (TDRA). Under Section 32 of the Lanham Act (§1114), trademark owners may file infringement claims against parties that use identical or confusingly similar marks in a manner that is likely to cause consumer confusion regarding the source of goods or services [19]. Furthermore, Section 43(a) (§1125(a)) provides protection against unfair competition, false designation of origin, and misleading commercial use of trademarks. These provisions allow well-known trademark owners to seek legal remedies against unauthorized use that could damage the

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reputation and distinctiveness of their trademarks. In the United States, owners of well-known trademarks are granted extensive legal protection under the Lanham Act and the TDRA. Under Section 32 of the Lanham Act (§1114), trademark owners may file infringement claims against parties that use identical or confusingly similar marks in a manner that is likely to cause consumer confusion regarding the source of goods or services. Furthermore, Section 43(a) (§1125(a)) provides protection against unfair competition, false designation of origin, and misleading commercial use of trademarks. These provisions allow well-known trademark owners to seek legal remedies against unauthorized use that could damage the reputation and distinctiveness of their trademarks.

Under the TDRA, trademark dilution is generally divided into dilution by blurring and dilution by tarnishment, while trademark infringement under the Lanham Act also emphasizes the likelihood of confusion standard. Section 43(c)(2)(B) (§1125(c)(2)(B)) of the Lanham Act defines dilution by blurring as an association arising from the similarity between a famous trademark and another mark that impairs the distinctiveness of the famous mark. This concept is similar to the Italian concept of detriment to distinctiveness. A well-known example is the case of Starbucks Corp. v. Wolfe's Borough Coffee, Inc., where the use of the mark “Charbucks” was argued to blur the distinctiveness of the famous Starbucks trademark. Although the court ultimately found insufficient evidence of actual dilution, the case became an important reference regarding blurring claims involving famous trademarks. Furthermore, Section 43(c)(2)(C) (§1125(c)(2)(C)) recognizes dilution by tarnishment, which occurs when a famous trademark is associated with products, services, or activities that could harm its reputation. This concept is comparable to detriment to reputation under Italian trademark law. One notable example is Moseley v. V Secret Catalogue, Inc., involving the famous Victoria's Secret trademark and a store named “Victor’s Little Secret,” which was considered capable of harming the prestigious and exclusive image of the famous mark. In addition, trademark infringement under Section 32 (§1114) and Section 43(a) (§1125(a)) of the Lanham Act applies the likelihood of confusion doctrine, which assesses whether consumers may mistakenly believe that two trademarks originate from the same source [20]. An example can be seen in Polaroid Corp. v. Polarad Electronics Corp., where the court developed several factors to determine the likelihood of confusion between similar trademarks. These concepts collectively demonstrate that US trademark law provides broad protection for famous trademarks by safeguarding their distinctiveness, reputation, and commercial identity.

Another important concept in US trademark law is the recognition of the parody defense, which may limit claims of trademark dilution and infringement when the use of a famous trademark is considered a form of parody rather than commercial exploitation. One notable case is Louis Vuitton Malletier S.A. v. Haute Diggity Dog, LLC, where Haute Diggity Dog LLC sold dog toys under the name “Chewy Vuiton,” parodying the luxury brand Louis Vuitton. The court held that the parody was sufficiently distinguishable from the original trademark and was unlikely to cause consumer confusion or dilution by blurring. The decision emphasized that parody can serve as a legitimate expressive use, particularly when it humorously imitates a famous trademark without substantially harming its distinctiveness or reputation [21]. This case demonstrates that, although US trademark law strongly protects famous trademarks, it also attempts to balance trademark rights with freedom of expression and fair competition.

Essentially, the development of famous trademark protection in the US demonstrates a continuous effort to strengthen and clarify the concept of trademark dilution. Through the enactment of the TDRA, the US lowered the standard of proof from “actual dilution” to “likelihood of dilution,” thereby making it easier for owners of famous trademarks to pursue dilution claims before actual harm occurs. Nevertheless, despite this broader protection, dilution actions in the US have gradually declined because courts still impose a high threshold in determining whether a trademark qualifies as “famous” under federal law [22]. This standard tends to favor marks with widespread public recognition across the general consuming public of the US. As a result, several luxury fashion brands such as Bottega Veneta, Schiaparelli, and Giuseppe Zanotti, which emphasize exclusivity, craftsmanship, and subtle branding strategies, may face difficulties in satisfying the strict fame requirement despite their prestigious reputations within the luxury market. This illustrates that, while the US provides extensive protection for famous trademarks, the legal recognition of fame itself remains narrowly interpreted and highly selective.

D. Reconceptualization of Well-Known Trademark in Indonesia

From all of the detailed explanation above, we could summarize that Indonesia is not falling behind on their Trademark Law. It’s concluded from the trend that most of the well-known trademark lawsuits had been won over the respectful owner of the well-known trademark. That could be seen by the numbers of cases declining on the supreme court decision official website after the Trademark Law No. 20/2016 had been applied. Of course, this is a result of multiple amendments that shaped the current Trademark Law in Indonesia. From being wronged and unable to obtain their exclusive rights on well-known trademarks over others who have filed their trademark registration first to being able to prove they fit in the well-known trademark criteria and use judicial precedents.

Regarding judicial precedent, it’s also one of the things that needs consideration to be included in the proposed amendment of Trademark Law. Even though for the past few years after the current Trademark Law had been effective, precedent had been used to protect well-known trademarks, it needed a legal certainty through the form of regulations that could be listed in the Trademark Law amendment. This works as an assurement to the well-known trademark owners, that they could bring up some precedents (especially if the marks have won a lawsuit for their well-known marks) to cancel the registration trademark of others that tries to benefit from the well-known marks [23]. Another

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suggestion is that they could also bring up some precedents of when they won a lawsuit with other marks in other countries as a proof to cancel the other parties trademark registration. This could reinforce better legal certainty to the well-known trademark owners and could broaden up their scope to prove their legal standing.

One thing in common that both Italy and the US had for well-known trademark protection are their dilution act. It is already stated implicitly in the Regulation No. 67/2016 that it implies as a dilution act, but again we need a legal certainty that would state the obvious that we had a dilution act as an insurance for the well-known trademark owners. They could create an article that is dedicated fully elaborating about well-known trademark dilution act and later could be detailed more in the Minister of Law and Human Rights Regulation. Things such as dilution by blurring, dilution by tarnishment and likelihood of confusion could also be included in the amendment in favor of building a fair business environment because it is not yet implied in the current laws or regulations in Indonesia [24].

Another important suggestion for the proposed amendment is the establishment of a clearer and more objective standard in determining the status of a well-known trademark. Although Indonesia already recognizes several criteria for well-known trademarks under the current regulations, the implementation remains relatively subjective and highly dependent on the interpretation of examiners and judges. Therefore, the amendment could adopt a more structured assessment system similar to those implemented in Italy and the United States, particularly regarding factors such as market recognition, duration of use, international registrations, promotional investment, and previous court decisions recognizing the fame of a trademark. In addition, Indonesia with the help of DGIP could establish specialized guidelines for substantive trademark examination to prevent inconsistent decisions regarding well-known trademarks. This measure would help minimize bad faith registrations at the registration stage, reduce lengthy litigation processes, and create a more transparent and predictable trademark protection system for both domestic and foreign trademark owners

At the end, the reconceptualization of well-known trademark protection in Indonesia should not merely focus on strengthening the rights of trademark owners, but also on establishing a more definitive and more comprehensive legal framework that adapts to the modern development of international trade and intellectual property law. By observing the approaches implemented in Italy and the United States, Indonesia could further develop its trademark regime through explicit dilution provisions, clearer recognition of judicial precedents, and broader protection against unfair advantage, blurring, tarnishment, and likelihood of confusion. These reforms would not only provide stronger legal certainty for well-known trademark owners, but also prevent bad faith trademark registrations and unfair business practices that exploit the reputation of famous marks [25]. Therefore, future amendments to Law No. 20 of 2016 on Trademarks and Geographical Indications are expected to create a more adaptive, progressive, and internationally competitive trademark protection system while simultaneously promoting fair business competition and maintaining consumer trust within the marketplace.

Conclusion

The reconceptualization of well-known trademark protection in Indonesia demonstrates the need for a more comprehensive and adaptive legal framework in response to the development of international trade and intellectual property law. Although Indonesia has shown significant progress through Law No. 20 of 2016 on Trademarks and Geographical Indications, the comparison with Italy and the United States reveals that Indonesia still requires clearer regulations concerning trademark dilution, judicial precedents, and broader protection against blurring, tarnishment, unfair advantage, and likelihood of confusion. These concepts are essential to provide stronger legal certainty and prevent bad faith trademark registrations that exploit the reputation of famous marks. Though it might seems like there are not many discussions regarding the importance of well-known trademarks registration and protection in Indonesia, the impact that it holds still lacks some of the pointers as explained before. It also push the urgency for an assessment concerning well-known trademark law relevancy for now and the future. Furthermore, Indonesia could strengthen its trademark protection system by adopting more objective standards in determining well-known trademark status and by establishing clearer guidelines for substantive trademark examination. By incorporating comparative approaches from Italy and the United States, future amendments to the Trademark Law are expected to create a more progressive, transparent, and internationally competitive trademark regime. Ultimately, these reforms would not only protect the exclusive rights and reputation of well-known trademark owners, but also promote fair business competition and maintain consumer trust within the marketplace.

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